

1 ANDREW A. MOHER. SBN: 257605
2 **LAW OFFICES OF ANDREW A. MOHER**
3 10505 Sorrento Valley Rd, Suite 430
4 San Diego, CA 92121
5 Telephone: 619-269-6204
6 Facsimile: 619-923-3303
7 Attorney for Debtor iNDx Lifecare, Inc.

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

In Re:
iNDx Lifecare, Inc.

Case No. 16-52307

CHAPTER 11

**MOTION BY DEBTOR-IN-
POSSESSION FOR DISMISSAL OF
CHAPTER 11 CASE**

Date: December 16, 2016

Time: 10:00 a.m.

Place: United States Bankruptcy Court, 450
Golden Gate Ave, 16th Floor, San
Francisco, CA 94102

Judge: Hon. Dennis Montali

COMES NOW, iNDx Lifecare, Inc. ("Debtor"), Debtor and Debtor-in-Possession herein,
and hereby moves this Court for an order dismissing the above referenced case pursuant to
Bankruptcy Code sections 1112(b) and 105(a), and in support of its motion respectfully
represents:

I. STATEMENT OF FACTS

1. The within case was commenced by the filing of a voluntary petition on August 11,
2016 ("The Petition Date"). No trustee has been appointed, and the Debtor is in
possession of its estate.

1 In the case at bar, stay relief has been granted as to Debtor's only asset of value, the IP
2 Rights, which have been foreclosed on. Debtor can no longer effectuate a Chapter 11 Plan with
3 no operations, no money, and no assets. Therefore, cause exists to dismiss or convert this case.
4 Once cause has been established, pursuant to 11 USC sec. 1112(b), a "choice must be made
5 between conversion and dismissal based on the best interests of creditors and the estate." See,
6 e.g., In re Nelson, 343 B.R. 671, 674 (B.A.P 9th Cir. 2006) (internal citations omitted).

7
8 The estate holds no remaining assets that would benefit creditors in a liquidation, nor
9 support the administrative costs of a liquidation. Once the primary asset of the estate has been
10 foreclosed upon, and no ability to reorganize or liquidate for the benefit of creditors remains,
11 Debtor submits that dismissal is in the best interest of creditors and the estate. See, e.g., In re
12 Pensignorkay, Inc., 204 B.R. 676, 680 (Bankruptcy E.D. Pa 1997) ("Since this is a single asset
13 real estate case, once the stay is lifted ... the Debtor will essentially be left without means to
14 formulate a Chapter 11 plan ... [T]hese circumstances provide sufficient cause for dismissal.")
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16 17 **II. CONCLUSION**

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19 WHEREFORE, Debtor and Debtor-in-Possession iNDx Lifecare, Inc. requests that the
20 Court enter an order dismissing this Chapter 11 case, and for any such further relief as the Court
21 deems just and proper.
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24 RESPECTFULLY SUBMITTED

LAW OFFICES OF ANDREW A. MOHER

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26 Dated: November 16, 2016

By: /s/ Andrew A. Moher

Andrew A. Moher, Attorney for Debtor